

(Pub. L. 101-336, title V, § 510, July 26, 1990, 104 Stat. 375.)

#### REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (d)(1), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 sections 791, 793, 794.

### § 12211. Definitions

#### (a) Homosexuality and bisexuality

For purposes of the definition of “disability” in section 12102(2) of this title, homosexuality and bisexuality are not impairments and as such are not disabilities under this chapter.

#### (b) Certain conditions

Under this chapter, the term “disability” shall not include—

- (1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- (2) compulsive gambling, kleptomania, or pyromania; or
- (3) psychoactive substance use disorders resulting from current illegal use of drugs.

(Pub. L. 101-336, title V, § 511, July 26, 1990, 104 Stat. 376.)

### § 12212. Alternative means of dispute resolution

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, fact-finding, minitrials, and arbitration, is encouraged to resolve disputes arising under this chapter.

(Pub. L. 101-336, title V, § 513, July 26, 1990, 104 Stat. 377.)

### § 12213. Severability

Should any provision in this chapter be found to be unconstitutional by a court of law, such provision shall be severed from the remainder of the chapter, and such action shall not affect the enforceability of the remaining provisions of the chapter.

(Pub. L. 101-336, title V, § 514, July 26, 1990, 104 Stat. 378.)

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**§ 12301. Findings**

Congress finds that—

- (1) children and youth are inherently the most valuable resource of the United States;
- (2) the welfare, protection, healthy development, and positive role of children and youth in society are essential to the United States;
- (3) children and youth deserve love, respect, and guidance, as well as good health, shelter, food, education, productive employment opportunities, and preparation for responsible participation in community life;
- (4) children and youth have increasing opportunities to participate in the decisions that affect their lives;
- (5) the family is the primary caregiver and source of social learning and must be supported and strengthened;
- (6) when a family is unable to ensure the satisfaction of basic needs of children and youth it is the responsibility of society to assist such family; and
- (7) it is the joint and several responsibility of the Federal Government, each State, and the political subdivisions of each State to assist children and youth to secure, to the maximum extent practicable, equal opportunity to full and free access to—
  - (A) the best possible physical and mental health;
  - (B) adequate and safe physical shelter;
  - (C) a high level of educational opportunity;
  - (D) effective training, apprenticeships, opportunities for community service, and productive employment and participation in decisions affecting their lives;
  - (E) a wide range of civic, cultural, and recreational activities that recognize young

Americans as resources and promote self-esteem and a stake in the communities of such Americans; and

(F) comprehensive community services that are efficient, coordinated, readily available, and involve families of young individuals.

(Pub. L. 101-501, title IX, §902, Nov. 3, 1990, 104 Stat. 1262.)

**EFFECTIVE DATE**

Chapter effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as an Effective Date of 1990 Amendment note under section 8621 of this title.

**SHORT TITLE**

Section 901 of title IX of Pub. L. 101-501 provided that: "This title [enacting this chapter] may be cited as the 'Claude Pepper Young Americans Act of 1990'."

Section 955 of Pub. L. 101-501 provided that: "This chapter [chapter 3 (§§955-960) of subtitle A of title IX of Pub. L. 101-501, enacting part C of subchapter I of this chapter] may be cited as the 'Family Resource Act'."

Section 981 of Pub. L. 101-501 provided that: "This subtitle [subtitle B (§§981-988) of title IX of Pub. L. 101-501, enacting subchapter II of this chapter] may be cited as the '1993 White House Conference on Children, Youth, and Families'."

**COMMISSION ON CHILD AND FAMILY WELFARE**

Pub. L. 102-521, §5, Oct. 25, 1992, 106 Stat. 3406, provided for establishment, membership, etc., of a Commission on Child and Family Welfare, specified that among other duties the Commission compile information and data on the issues that affect the best interests of children, including domestic issues such as abuse, family relations, services and agencies for children and families, family courts, and juvenile courts, directed Commission to submit to President and Congress an interim report no later than Jan. 1, 1994, and a final report no later than Jan. 1, 1995, containing a detailed statement of the findings and conclusions of the Commission, together with recommendations for such legislation and administrative actions as considered appropriate, and directed that the Commission terminate 90 days after the date it submitted its final report.

**§ 12302. Definitions**

As used in this chapter:

**(1) Commissioner**

The term "Commissioner" means the Commissioner of the Administration on Children, Youth, and Families, as established under section 12311 of this title.

**(2) Council**

The term "Council" means the Federal Council on Children, Youth, and Families, as established under section 12314(a) of this title.

**(3) Nonprofit**

The term "nonprofit", as applied to any agency, institution, or organization, means an agency, institution, or organization that is, or is owned and operated by, one or more corporations or associations, no part of the net earnings of which may lawfully inure to the benefit of any private shareholder or individual.

**(4) Secretary**

The term "Secretary" means the Secretary of Health and Human Services.